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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,129	11/12/1998	JOSEPH M. CANNON	CANNON36-37-	6291
7590 03/30/2004				
EXAMINER				
GAUTHIER, GERALD				
ART UNIT		PAPER NUMBER		
2645				
DATE MAILED: 03/30/2004				

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18  
DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/190,129	CANNON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gerald Gauthier	2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/05/2003 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 12-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Borland et al. (US 6,128,382).

Regarding **claim 12**, Borland discloses a method for enabling a caller to selectively leave a message on a telephone without ringing the telephone (column 1, lines 6-8), (which reads on claimed “a method of allowing a calling party to bypass a ring signal in a voice messaging system (210 on FIG. 3) of a called party, the voice messaging system including voice message memory (410 on FIG. 5) for recording a voice message”), the method comprising:

providing an analog ring signal bypass module (200 on FIG. 3) in the voice messaging system (column 5, lines 52-67) [The no-ring logic unit answers the incoming call].

activating the analog ring signal bypass module based on a request (column 6, line 42 “the caller selects to leave a message”) from the calling party (column 6, lines 29-47) [The telephone answers the incoming call and prompts the caller to leave a message or to ring the telephone and the caller selects to leave a message without ring the telephone]; and

bypassing an audible ring signal (column 6, line 41 “a ring sound”) by the system announcing an incoming call (column 6, line 43 “transfers control to the answering machine”) from the calling party to the voice messaging system (column 6, lines 29-47) [The telephone transfers the incoming call to the answering machine which prompts the caller to leave a message without ring the telephone].

Regarding **claim 13**, Borland discloses allowing the calling party to record a voice message in the voice message memory before reception of any analog ring signal (column 6, lines 29-46).

Regarding **claim 14**, Borland discloses entering a request for performance of the step of bypassing all analog ring signals by the calling party (column 6, lines 4-8).

Regarding **claim 15**, Borland discloses the request is entered by the calling party before a telephone number of the called party is dialed by the calling party (column 4, lines 55-59).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1-6 and 8-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama (US 5,894,505) in view of Borland.

Regarding **claim 1**, Koyama discloses a telephone answering machine (column 1, lines 6-7), (which reads on claimed "a voice messaging system"), comprising:

an analog telephone line interface (2 on FIG. 1);  
a voice recorder/playback module (8 on FIG. 1);

a controller (13 on FIG. 1) adapted to control functions of the voice messaging system (column 9, lines 36-44) [The main control unit controls operation of the messaging unit system];

a ring signal bypass module (4 on FIG. 1) adapted to detect a presence of an analog non-ring signal (column 10, line 19 "a polarity reverse signal") initiated by a caller (column 10, line 24 "calling party") utilizing the analog telephone line interface indicating a presence of an incoming call (column 10, line 25 "receive calling party information from the exchange"), and to cause the voice message system (7 on FIG. 1) to direct the incoming call to the voice recorder/playback module (column 10, lines 16-67) [The call detection circuit detects the reversal line from the communication line identifying an incoming call and make the response message unit output a first response message in order for the caller to leave a message].

Koyama discloses directing the call to the answering machine but fails to disclose the voice messaging system to direct the incoming call to the voice recorder/playback module without an audible ring signal to announce the incoming call by the system.

However, Borland teaches directing the incoming call to the voice recorder/playback module without an audible ring signal to announce the incoming call by the system (column 6, lines 29-47) [The telephone answers the incoming call and enabling the caller to leave a message without the telephone generating a ring sound].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding the no-ring logic unit of Borland.

The modification will allow the capability of the no-ring logic unit such that the system would enable the caller to selectively either leaves a message or ring the called telephone.

Regarding **claim 2**, Koyama discloses the analog telephone line interface is adapted to detect a line reversal on the telephone (column 10, lines 18-20).

Regarding **claim 3**, Koyama discloses a voice messaging system as telephone-answering device (FIG. 1).

Regarding **claim 4**, Koyama discloses a telephone answering machine (column 1, lines 6-7), (which reads on claimed "a method for allowing bypass of ring signal in a system"), comprising:

receiving an analog non-ring signal (column 10, line 19 "a polarity reverse signal") initiated by a caller (column 10, line 24 "calling party") at an analog telephone line interface indicating a presence of an incoming call (column 10, line 25 "receive calling party information from the exchange") to the voice messaging system (column 10, lines 16-67) [The call detection circuit detects the reversal line from the communication line identifying an incoming call and make the response message unit output a first response message in order for the caller to leave a message].



Koyama discloses directing the call to the answering machine but fails to disclose answering the incoming call by the system without an audible ring signal to announce the incoming call by the system.

However, Borland teaches answering the incoming call by the system without an audible ring signal to announce the incoming call by the system (column 6, lines 29-47) [The telephone answers the incoming call and enabling the caller to leave a message without the telephone generating a ring sound].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding the no-ring logic unit of Borland.

The modification will allow the capability of the no-ring logic unit such that the system would enable the caller to selectively either leaves a message or ring the called telephone.

Regarding **claims 5 and 9**, Borland teaches playing an outgoing greeting message to a caller associated with the incoming call without requiring reception of any ring signal relating to the incoming call (column 6, lines 29-47); and  
allowing the caller to record a voice message (column 6, lines 29-47).

Regarding **claims 6 and 10**, Borland teaches allowing a caller associated with the incoming call to record a voice message without requiring reception of any ring signal relating to the incoming call (column 6, lines 29-47).

Regarding **claim 8**, Koyama discloses a telephone answering machine (column 1, lines 6-7), (which reads on claimed "an apparatus for allowing bypass of ring signal in a system"), comprising:

means for receiving an analog non-ring signal (column 10, line 19 "a polarity reverse signal") initiated by a caller (column 10, line 24 "calling party") at an analog telephone line interface indicating a presence of an incoming call (column 10, line 25 "receive calling party information from the exchange") to the voice messaging system (column 10, lines 16-67) [The call detection circuit detects the reversal line from the communication line identifying an incoming call and make the response message unit output a first response message in order for the caller to leave a message].

Koyama discloses directing the call to the answering machine but fails to disclose the means for answering the incoming call by the system without an audible ring signal to announce the incoming call by the system.

However, Borland teaches means for answering the incoming call by the system without an audible ring signal to announce the incoming call (column 6, lines 29-47) [The telephone answers the incoming call and enabling the caller to leave a message without the telephone generating a ring sound].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding the no-ring logic unit of Borland.

The modification will allow the capability of the no-ring logic unit such that the system would enable the caller to selectively either leaves a message or ring the called telephone.

Regarding **claim 11**, Borland teaches inputting a request for a transmission of the analog non-ring signal from a calling party's telephone (column 7, lines 26-36).

### ***Response to Arguments***

7. Applicant's arguments with respect to **claims 1-6 and 8-15** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koizumi et al. is cited for an apparatus having a non-ringing call receiving mode (FIG. 1).

Hwang et al. is cited for a device for identifying line reversal/ringing signal of a telephone set (FIG. 1).

Kasiviswanathan is cited for a method for direct voice mail access and blocking (FIG. 1).

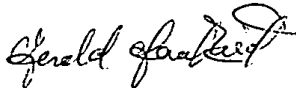
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
g.g.  
March 21, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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